IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Crl.Rev.Pet.No. 3756 of 2006()

CRA.308/1999 of SESSIONS COURT, THALASSERY
CC.522/1996 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY

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REVN. PETITIONER: APPELLANT/ACCUSED

P.P.PRADEEPAN, S/O. BALAN,
KAPPAD AMSOM, THILANNUR DESOM,
KANNUR TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRASUN.S

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.3756 of 2006

Dated this the 11th day of June, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 55(a) of the Abkari Act read with Rule 9 of Foreigh Liquor Rules and sentenced to undergo simple imprisonment for four months and to pay a fine of Rs.25,000/- and in default, to undergo simple imprisonment for one month, on the allegation that on 5.1.1996 he was found travelling in a bus carrying 11 bottles of foreign liquor (6.750 litres).

2. The evidence adduced in the matter consisted the testimony of PWs' 1 to 5, Exts. P1 to P5 and Mos' 1 to 4. The revision petitioner has only sought for modification of the sentence. Considering the fact that more than 10 years have elapsed since the commencement of the proceedings and that the accused has been facing criminal proceedings so far, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.25,000/- and in default, to undergo simple

imprisonment for three months. Revision petitioner is granted two months' time from today onwards to remit the fine amount, if not remitted already. He shall appear before the Judicial First Class Magistrate Court, Thalassery on 10.8.2007 to receive the sentence. Non bailable warrant pending, if any, shall be kept in abeyance till 10.8.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl